

UNITED STATES DISTRICT COURT

for the

Southern District of Alabama

United States of America

v.

DUC NGOC HUYNH

Case No: 06-00041

USM No: 09424-003

Date of Original Judgment: 05-18-2007

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

Pro Se

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

After recalculation of the guidelines, the defendant's revised guideline range would be 151 to 188 months (based on a total offense level of 34, criminal history category of I). At the time of sentencing, the defendant received a variance sentence, as to Counts One and Two, to 151 months. Pursuant to U.S.S.G. §1B1.10(b)(2)(A), the Court shall not reduce the defendant's term of imprisonment to a term less than the minimum of the guideline range. His original sentence was at the low end of the recalculated range, and the Court may not reduce the sentence further under 18 U.S.C. 3582(c)(2).

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: June 15, 2016

Callie V. S. Granade
Senior U.S. District Judge

Digitally signed by Callie V. S. Granade Senior U.S. District Judge
DN: cn=Callie V. S. Granade Senior U.S. District Judge, o=Federal
Judiciary, ou=U.S. Government,
email=efile_granade@alsd.uscourts.gov, c=US
Date: 2016.06.15 15:50:34 -05'00'

Judge's signature

Effective Date: _____
(if different from order date)

Senior United States District Judge

Printed name and title